

EXHIBIT E

Brady Brammer (SBN: 13411)
Matt Piccolo (SBN: 15707)
BRAMMER RANCK, LLP
1955 W. Grove Parkway, Suite 200
Pleasant Grove, UT 84062
Telephone: (801) 893-3951
bbrammer@spauldinglaw.com
mpiccolo@spauldinglaw.com

James M. Burnham (*pro hac vice*)
Harry S. Graver (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
jburnham@jonesday.com
hgraver@jonesday.com

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

GARFIELD COUNTY, UTAH, a Utah political subdivision; KANE COUNTY, UTAH, a Utah political subdivision; and THE STATE OF UTAH, by and through its Governor, SPENCER J. COX, and its Attorney General, SEAN D. REYES,
Plaintiffs,

ZEBEDIAH GEORGE DALTON; BLUERIBBON COALITION; KYLE KIMMERLE; and SUZETTE RANEA MORRIS,
Consolidated Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States; DEBRA A. HAALAND, in her official capacity as Secretary of Interior; DEPARTMENT OF THE INTERIOR; TRACY STONE-MANNING, in her official capacity as Director of the Bureau of Land Management; BUREAU OF LAND MANAGEMENT; THOMAS J. VILSACK, in his official capacity as Secretary of Agriculture; DEPARTMENT OF AGRICULTURE; RANDY MOORE, in his official capacity as Chief of the United States Forest Service; and UNITED STATES FOREST SERVICE,
Defendants,

HOPI TRIBE; NAVAJO NATION; PUEBLO OF ZUNI; and UTE MOUNTAIN UTE TRIBE,
Intervenor Defendants.

**SUPPLEMENTAL DECLARATION
OF BRENT JOHANSEN IN
SUPPORT OF PLAINTIFFS'
AMENDED COMPLAINT**

Lead Case No. 4:22cv00059 DN-PK
Member Case No. 4:22cv00060 DN

District Judge David Nuffer
Magistrate Judge Paul Kohler

I, Brent Johansen, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration. This declaration is based on my personal knowledge.

2. I declare under penalty of perjury under the laws of the United States that the information in both this declaration and my prior declaration (attached hereto) is true and correct.

3. The injuries described in my prior declaration have continued to endure, and will only compound so long as President Biden's monument designations are allowed to stand.

Dated: 01/03/2023

A handwritten signature in black ink, appearing to read "Brent Johansen", is written over a horizontal line.

Brent Johansen

Brady Brammer (SBN: 13411)
Matt Piccolo (SBN: 15707)
SPAULDING LAW, LLP
1955 W. Grove Parkway, Suite 250
Pleasant Grove, UT 84062
Telephone: (801) 893-3951
Facsimile: (801) 877-4318
bbrammer@spauldinglaw.com
mpiccolo@spauldinglaw.com

James M. Burnham (*pro hac vice* forthcoming)
Harry S. Graver (*pro hac vice* forthcoming)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
jburnham@jonesday.com
hgraver@jonesday.com

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ZEBEDIAH GEORGE DALTON; BLUERIBBON
COALITION; KYLE KIMMERLE; and SUZETTE
RANEA MORRIS,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; DEBRA A.
HAALAND, in her official capacity as Secretary of
Interior; DEPARTMENT OF THE INTERIOR;
TRACY STONE-MANNING, in her official capacity
as Director of the Bureau of Land Management;
BUREAU OF LAND MANAGEMENT; THOMAS J.
VILSACK, in his official capacity as Secretary of
Agriculture; DEPARTMENT OF AGRICULTURE;
RANDY MOORE, in his official capacity as Chief of
the United States Forest Service; and UNITED
STATES FOREST SERVICE,

Defendants.

Civil Action No. 4:22-cv-00060-DN

**DECLARATION OF BRENT
JOHANSEN**

I, Brent Johansen, declare as follows:

1. My name is Brent Johansen. I am the president of San Juan Public Entry and Access Rights (SPEAR). I am also an individual member of the BlueRibbon Coalition. This declaration is based on my personal knowledge. I am 71 years old.

2. I have lived in Utah most of my life. My family has lived in Utah since my great, great grandparents came here from Denmark in 1856. I was raised in Sanpete County where my father was a school teacher and farmer. My wife and I have lived in Blanding, San Juan County since 1987, where I started a dental practice. I have since retired. San Juan County is a wonderful place to live and raise a family. Our four children, their spouses, and sixteen grandchildren come back often to enjoy the experience of being in San Juan County and explore this great land.

3. SPEAR is an organization dedicated to preserving access to public lands for all people, young and old. Our organization has worked with the public land managers and the county to build and maintain a network of ATV trails throughout San Juan County for people to ride and enjoy. We currently have about 200 members of SPEAR. A lot of us are getting older and unable to hike long distances. Motorized access is the only method we have to get out and enjoy the features of San Juan County. Some even carry oxygen on their machines in order to still get out and ride our trails.

4. As the president of SPEAR and as a resident of San Juan County, I love this land. I care deeply about its character and its preservation. People have been living here for a long time. If we have been doing such a poor job of taking care of the land, why is this area known as the Bears Ears in such pristine condition? We take care of what we love. If the goal is to keep and preserve the beauty of Bears Ears for future generations, the designation of it as a national

monument is, very well, the worst possible thing to happen to it, destroying the quality of the land itself.

5. We are already seeing the effects of the presidential proclamations that formed the vast Bears Ears National Monument, coupled with other federal regulations. Roads and trails are being closed, denying access. Favorite camping spots are being closed. Grazing permits are in jeopardy. Access to Elk Ridge, one of the community's favorite destinations, seems likely to be closed or diminished. At the same time, the Monument is causing an influx of tourists who don't show the same respect for the land as the residents do, thus gradually degrading the once pristine state of this area. An excellent example is the Grand Gulch Primitive Area, now a part of the Bears Ears National Monument. It used to be primitive until it was designated as a Primitive Area. Now it has been overwhelmed by tourists who leave their refuse behind.

6. SPEAR, and other organizations like Blue Ribbon, work diligently at maintaining and preserving trails so people can responsibly access their favorite areas. The key word is "responsibly." I worry that older people will be discriminated against, left behind, and denied access to the land they love.

Dated: July 27, 2022

A handwritten signature in black ink, reading "Brent Johansen". The signature is written in a cursive style with a long horizontal stroke at the end.

Brent Johansen